

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

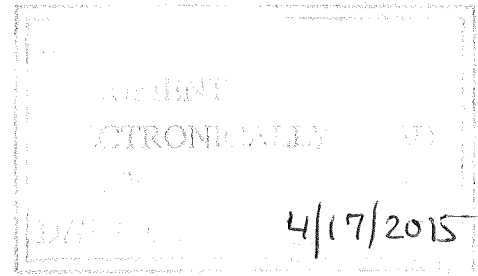
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SHAMIM ARA BEGUM,

Plaintiff,

-v-

ARIBA DISCOUNT, INC., AFSAR KHAN, and  
MAMADOU DIAMAN,

Defendants.  
-----X



12cv6620 (DLC)

ORDER

In accordance with the Fair Labor Standards Act ("FLSA"), 29 U.S.C. §§ 201-19, and the New York Labor Law ("NYLL"), §§ 190 to 199-a, plaintiff Shamim Ara Begum ("Begum") has been awarded minimum wage, overtime compensation, and spread of hours damages; liquidated damages; prejudgment interest; and postjudgment interest. See Begum v. Ariba Disc., Inc., No. 12cv6620 (DLC), 2015 WL 223780 (S.D.N.Y. Jan. 16, 2015). Begum has moved for an award of attorney's fees and costs, and defendants Ariba Discount, Inc. and Afsar Khan have represented that defendants<sup>1</sup> do not oppose the motion.

In total, Begum seeks \$23,925 in attorney's fees. Begum's counsel billed at his normal rate of \$300 per hour for 76.75<sup>2</sup>

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<sup>1</sup> Pro se defendant Mamadou Diaman submitted no opposition to the motion.

<sup>2</sup> Begum's counsel appears to have cheated himself of 1 hour in presenting the sum as 75.75 hours in the motion papers. The

hours. Both the \$300 rate and the 76.75 hours are reasonable figures. And Begum has substantiated the 76.75 hours with billing entries and a declaration from counsel that these records were maintained contemporaneously with the work performed. Accordingly, Begum is entitled to an award of the lodestar amount, which is \$23,025 (76.75 hours x \$300/hour).

The \$23,925 in total fees sought in the memorandum of law in support of the motion includes a request for fees for time spent preparing the fee application itself, or "fees-on-fees." The memorandum states that counsel spent 4 hours researching, drafting, and editing the memorandum and supporting declaration, and thus \$1,200 (4 hours x \$300/hour) of the \$23,925 figure represents fees-on-fees. But Begum has provided no evidence of the time dedicated to the fee application. The declaration and accompanying billing entries that are attached to the present motion do not itemize or in any way reflect time spent by counsel in preparing the motion itself. Accordingly, no fees-on-fees will be awarded. See Cruz v. Local Union No. 3 of Int'l Bhd. of Elec. Workers, 34 F.3d 1148, 1160 (2d Cir. 1994).

Begum seeks \$3,972.92 in costs for filing, service of process, certified mail and postage, transcripts and court

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Court will use the total number of hours actually reflected in the line items of the records submitted, which is 76.75.

reporters, interpreters, witness travel, and photocopying.

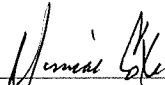
Nothing in the record casts doubt on the reasonableness of these costs which have been itemized, described, and dated.

Accordingly, it is hereby

ORDERED that Begum's motion is granted in substantial part. He is awarded attorney's fees in the amount of \$23,025 and costs in the amount of \$3,972.92, for a total award of \$26,997.92.

IT IS FURTHER ORDERED that the Clerk of Court shall enter judgment accordingly and close the case.

Dated: New York, New York  
April 17, 2015

  
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DENISE COTE  
United States District Judge

COPY SENT TO

Ninety Nine Cents Creations  
(Ariba Discount, Inc.)  
c/o Mamadou Diaman  
149 West 24th Street  
New York, NY 10011